

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM D. SMITH,

CIVIL ACTION NO.

Plaintiff,

HON.

v

MELANY GAVULIC,

Defendant.

LAW OFFICE OF GLEN N. LENHOFF
BY: GLEN N. LENHOFF (P32610)
MICHAEL E. FREIFELD (P48198)
328 South Saginaw Street
8th Floor, North Building
Flint, Michigan 48502
(810) 235-5660

COMPLAINT AND JURY DEMAND

A civil action between arising out of the same transaction or occurrence alleged in this Complaint has been previously filed in Genesee County Circuit Court. The action remains pending. The docket number is 15-104139-CL. The judge assigned to the action is the Honorable Joseph J. Farah.

PARTIES AND JURISDICTION

NOW COMES Plaintiff, William D. Smith, by and through his attorney, the Law Office of Glen N. Lenhoff, and hereby complains of Defendant, Melany Gavulic, as follows.

1. Plaintiff, William D. Smith (hereinafter Plaintiff), is a resident of the County of Genesee, State of Michigan.
2. Defendant, Melany Gavulic (hereinafter "Defendant"), is a resident of the State of Michigan within the Eastern Judicial District of Michigan.

3. Defendant was the Chief Executive Officer (CEO) of Hurley Medical Center at all times pertinent to this lawsuit. Defendant is being sued in this case in her individual capacity.

4. In light of the foregoing, venue is proper in the United States District Court for the Eastern District of Michigan under 28 USC §1392(c).

5. This Court has subject matter jurisdiction over this case based on federal question jurisdiction codified in 28 USC §1331, as well as 42 USC §1343 because this is a 42 USC §1983 case.

GENERAL ALLEGATIONS

6. Plaintiff is an African American male.

7. Plaintiff has been a licensed attorney in the State of Michigan since 1985.

8. Plaintiff began his employment as in-house counsel with Hurley Medical Center in 1986.

9. In 2001, Plaintiff was promoted to the position of Executive Vice President and General Counsel for Hurley Medical Center.

10. At the time of his discharge, Plaintiff was the only African American Executive Vice President within Hurley Medical Center's organization.

11. Plaintiff performed his job in a diligent manner.

12. On several occasions, Plaintiff has accused Defendant of engaging in racial discrimination against him as well as others.

13. Specifically, in April 2014, Defendant refused to allow Plaintiff to hire an African American female for a staff attorney position with Hurley Medical Center.

14. Shortly after Defendant refused to allow Plaintiff to hire an African American female as a staff attorney for Hurley Medical Center, Plaintiff was discharged as a result of Defendant's recommendation on January 13, 2015.

15. A substantial causative factor in Defendant's recommendation/decision to discharge Plaintiff was Plaintiff's race.

16. Plaintiff has suffered economic loss and emotional distress damages as a result of his termination.

**COUNT I. 42 USC §1983 CLAIM AGAINST DEFENDANT
WITH RESPECT TO PLAINTIFF'S TERMINATION**

17. Plaintiff hereby realleges and incorporates by reference the preceding paragraphs.

18. Defendant acted under color of law with respect to Plaintiff's termination.

19. Defendant recommended and/or decided to terminate Plaintiff in substantial part because of Plaintiff's race.

20. Thus, Defendant violated Plaintiffs' rights under the equal protection clause of the United States Constitution.

21. Therefore, Plaintiff asserts a 42 USC §1983 racial discrimination claim against Defendant.

WHEREFORE, Plaintiff prays for Judgment against Defendant for damages in such sum as the Jury deems just, together with costs and interest. The said damages should include all damages allowed by law, including compensatory damages, punitive damages and attorney fees under 42 USC §1988.

RELIANCE UPON JURY DEMAND

Plaintiff hereby demands a jury under Rule 38 of the Federal Rules of Civil Procedure.

s/Glen N. Lenhoff
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Date: 01/23/2015

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